

Appl. No. 09/626,193  
Amdt. dated February 22, 2005  
Reply to Office Action of December 21, 2004

### REMARKS

Claims 1-64 and 67-118 are pending. Claims 65 and 66 have been cancelled in previous Responses. Claims 1-63, 70-84, 88-115 are cancelled herein. Claims 64, 67, 86, and 87 have been rejected under 35 U.S.C. §102. Claims 68, 69, 85, and 116-118 have been rejected under 35 U.S.C. §103. Claims 64 and 116 have been amended. Support for the amendment to claim 64 is found in the second paragraph of the Detailed Description of the specification as originally filed. Claims 64, 67-69, 85-87, and 116-118 remain for consideration upon entry of the present Amendment. No new matter has been added.

Claims 64, 67, 86, and 87 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,100,506 to Sturtevant et al. (hereinafter "Sturtevant"). Claim 64 has been amended, as indicated above, and reconsideration is respectfully requested.

Claim 64 of the present application, as amended, recites a hair removal device comprising a substantially planar and rigid substrate and at least one hundred (100) micro-blades connected to the substrate. Each of the micro-blades comprises a blade support and a blade attached thereto, the blade defining a cutting edge. The blade is elevated relative to the substrate and the cutting edge is positioned below a cutting edge support surface. The micro-blades are configured for cutting hair when drawn across a skin surface and without damaging the skin.

Sturtevant is directed to cutting tools and methods of forming such tools. The tools are files and cutters formed from any material that is suited to chemical etching treatment. Preferably, the material is sheet metal that can be photochemically etched to provide tools that have either (1) cutting teeth on the flat part of the blade and are used for planing or shaping operations or (2) cutting teeth on the edge of a blade and are used for sawing. In embodiments in which the cutting teeth are on the flat part of the blade, etching material is applied to a blank masked off with resistant material such that cutting edges formed terminate in sharpened edges in the plane of a surface of the blank. At least some of the sharpened edges may be bent out of the plane of the blank surface (as in

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Figures 5-9). In embodiments in which the cutting teeth are on the edge of the blade (as in Figures 11-16), a predetermined pattern of etching-resistant material is applied to the front and back surfaces of peripheral edges of the metal blank to define exposed areas separated by resist areas. The exposed areas on the front and back surfaces overlie each other. Subjecting the exposed areas to an etching treatment causes a tooth shape to be formed on the peripheral edge.

Sturtevant fails to disclose, teach, or suggest a hair removal device wherein cutting edges of blades are positioned below cutting edge support surfaces, as recited in claim 64. In fact, Sturtevant makes no mention of cutting edge support surfaces. The sharpened edges that form cutting edges (shown at 57 in Figures 6-8 of Sturtevant) are positioned at the uppermost parts of the "teeth." Similarly, the cutting edges of other sharpened edges (shown at 85, 89, and 103 in the circular saw blade of Figures 13-16) are likewise positioned at the uppermost parts of the teeth. When the cutting edges are positioned at the uppermost parts of the teeth, as in Sturtevant, they necessarily cannot be positioned below cutting edge support surfaces, as in the present invention. Accordingly, the positioning of cutting edges below a cutting edge support surface, as recited in claim 64, is patentably distinct from the positioning of cutting edges at the uppermost parts of teeth, as in Sturtevant.

To anticipate a claim under 35 U.S.C. §102, a single reference must disclose each and every element of the claimed invention. Absence from the reference of any claimed element negates anticipation. Because Sturtevant fails to disclose, teach, or suggest cutting edges positioned below a cutting edge support surface, as recited in claim 64, claim 64 is not anticipated by the Sturtevant reference. For at least this reason, claim 64 is allowable, and Applicants respectfully request that the Examiner withdraw the rejection of claim 64.

Dependent claims, by definition, further define the subject matter of the independent claims from which they depend. Because claims 67, 86, and 87 depend from claim 64, claims 67, 86, and 87 add recitations that further define the subject matter of independent claim 64. Because claim 64 is believed to be allowable for at least the reasons presented above, claims 67, 86, and 87 are therefore also believed to be

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allowable. Consequently, Applicants respectfully request that the rejections of claims 67, 86, and 87 be withdrawn.

Claims 68, 69, 85, and 116-118 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Sturtevant.

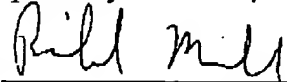
Claims that depend from a claim that is non-obvious are themselves necessarily non-obvious. Because claims 68, 69, 85, and 116-118 depend from claim 64, and because claim 64 is non-obvious, claims 68, 69, 85, and 116-118 are necessarily non-obvious. Applicants, therefore, respectfully submit that claims 68, 69, 85, and 116-118 are allowable. Accordingly, Applicants respectfully request that the rejections of claims 68, 69, 85, and 116-118 be withdrawn.

Applicants believe that the foregoing amendments and remarks are fully responsive to the Office Action and that the claims herein are allowable. In view of the foregoing points that distinguish Applicants' invention from those of the prior art and render Applicants' invention novel and non-obvious, Applicants respectfully request that the Examiner reconsider the present application, remove the rejections, and allow the application to issue.

If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is invited to telephone the undersigned.

Applicants believe that no fees are due with the submission of this Amendment. If any charges are incurred with respect to this Amendment, they may be charged to Deposit Account No. 503342 maintained by Applicants' attorneys.

Respectfully submitted,

By 

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